

Quote of the month:

**“Character cannot be developed in ease and quiet. Only through experience of trial and suffering can the soul be strengthened, ambition inspired, and success achieved.”**

~~Helen Keller

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# The Digest-August, 2014

RSOL's Monthly Newsletter



## From Our Executive Director

What a GREAT conference we had this year! Thanks to the hard work and planning of our conference planning team and the many volunteers from Texas Voices, and the wonderful behind-the-scenes help provided by the staff at Skillman Church of Christ, everything ran very smoothly overall. I was able to meet and mingle with many of you and was able to sit in on most of the sessions. The ones I didn't get to, I've heard about, so I'm able to write a good report this year.

We had more re-entry advocates in attendance this year, which was great to see and I hope the trend continues. Although RSOL itself is focused more broadly on the huge number of persons who have completed their sentences but continue to be punished by public registration, many states are adding lifetime or indeterminate sentencing to their laws for sex offenders. It is important for advocates to understand about the impact of these laws so that we can fight their introduction elsewhere and eventually seek their repeal or modification. Our re-entry allies are also a wonderful resource, as they have often been "in the biz" far longer and can offer or direct people to more services and support than we can as advocates.

What we are still NOT seeing as much of, is professionals from related fields. I would like to repeat the challenge we issued a couple of times during the conference, with a special twist. Our challenge to each attendee was "Each one, bring one." We need to make more effort to get

others to attend, in general, and get them fired up for change. What I would like to add is that we need in particular to reach out to mental health professionals, social workers, attorneys, even sympathetic law enforcement officers (yes, they are out there) and get THEM involved and encourage them to attend next year.

One theme that came out of the conference was about our stories... their importance, how to tell them, who to tell them to, and so on. Although we did not push for a lot of media attention this year, we had many opportunities to learn from experienced journalists, television and radio persons how to interact with media as well as simply connecting with neighbors, community leaders, and lawmakers to start changing people's perception of who is on the registry. With a change in that perception, we can hope to start changing people's hearts, and changing laws.

The critical role of popular perception of former sexual offenders is another important point brought up by many speakers and presenters during our conference. For seasoned advocates, perhaps, it is a no-brainer... so much so that we forget how critical it is for our audience to understand. I would say that nearly ALL of us, no matter what our original background, got involved because we had a personal encounter that we knew was "just wrong." In time, our eyes became opened to the incredibly broad sweep of the laws. People outside of our movement have not had that eye-opening. What kept coming out was the importance of hammering and repeating that easily 80-90% of former sexual offenders are NOT who everyone assumes they are. Once people have started doubting that stereotype, and instead recognize that those folks could easily be ME or MY loved one, the tide will start to turn.

Another theme that emerged was the importance of EVERY person getting involved. One way was through the storytelling, of course. But attendees also were encouraged to speak up, not just as advocates in our states, but by finding our voices within RSOL, and getting directly involved in its work. If you have a great idea and are trying to put wings on it, find some folks to get the job done, write up a proposal, and we will help you as long as it is within RSOL's Vision, Mission and Goals. If you see an RSOL Goal that you really want to move forward more quickly and are willing to jump in and make that happen, step right up and let us know what you can do! We also have a number of urgent tasks from small to large that need doing, which range from writing, to website content building and research, to managing a wiki, that individuals can tackle as their abilities allow. RSOL is only as effective as YOU can make it.

To conclude, I think this year's conference was the best yet. Stay tuned and check back to our conference site at [rsolconference.org](http://rsolconference.org) for videos of the speakers and presentations. Keep up the good work, and see you next year!

Brenda



## This is What I Think

by Sandy

I admit it. I go off on tangents. I will sometimes even pitch what my Southern grandmother called a hissy fit (and you never have a hissy fit; you pitch one). Seldom, however, have I literally seen red to the extent that I did on reading [this charming little piece](#) in the *Niagara Falls Reporter*.

After appropriate time had been given to screams of a few four-letter words, and after the bouts of nausea had passed, I did what I always do in similar situations; I grabbed my keyboard as soon as I could and pounded out my thoughts. A few hours' passage of time brought a clearer head, and better judgement prevailed. I cleaned it up into something publishable and sent it off to the offending media source. By the time we go to press, it will either have been printed or will never be by them, but here it is for us.

*I found the piece entitled "Sex Offender Epidemic Growing Larger..." intriguing reading. Your slogan, "The truth is always fair," suggests that your publication is open to hearing and printing opposing opinions as well as verified facts.*

*The editorial suggests that it is alarming that 3 out of every 1,000 people encountered are registered sex offenders. What is alarming is that the number of sex offenders is most likely much greater. However, the vast majority of them have not yet been identified. Statistics show that approximately 96% of sexual crime is committed by those who have never previously been charged with such an offense (<http://www.childadvocacycenter.com/April/Sex-Offender-Myths.pdf>, p.3). Therefore, if 3 persons out of any given 1000 are registrants due to having been convicted of a previous sexual offense, then 997 of the 1000 are potential, unidentified sexual offenders. Perhaps you should warn about the greater threat.*

*Another intriguing line from the op/ed is, "We welcome them, in much the same way we welcome dead baby burning garbage incineration plants." I cannot imagine the mind capable of conceiving such a simile. This stands in a class by itself although this sentence is in the same category: "Fracking waste in our drinking water, polluted air from the burned garbage of New York City and dangerous and violent offenders from all over the state are just a few of the things we deal with in an effort to allow the city to balance its' [sic] budget." So is the use of the word "epidemic" in the title. Such vehement portrayal of those on the registry shows a complete lack of the common knowledge that the vast majority of sexual crime, especially against children, is committed by those well known to the victims, those already in their lives in close, trusted, and often familial positions. The truth is that if children are being molested, if women are being raped, it is almost certain the perpetrators are those already in the community, not registrants coming in to the community.*

*Also showing a complete disconnect from reality is the assertion that "... the state Parole Board is increasingly eager to put undesirable perverts as far away from civilization as possible...." First, the assumption that all on the registry are "perverts" shows a surprising degree of ignorance of the subject matter. Registrants include children as young as nine who were playing doctor, husbands and fathers who made the mistake of having pre-marital sex in high school with the girls they later married, and those who were falsely accused and wrongly convicted.*

*Additionally, unless New York is different from the other 49 states, the twin goals of the criminal*

*justice system are punishment and rehabilitation. Rehabilitation involves access to services such as counseling, help with finding employment, and re-entry programs. Many registrants are married with children. They must have access to decent housing, to schools, to churches, to medical services, to civilization itself.*

*Perhaps the most erroneous and egregiously incorrect statement found in the op/ed is the statement that someone who committed rape a couple of decades ago "...would probably do the same today if given half a chance." The attempt to mitigate the ridiculousness of this assumption with "probably" does not excuse the total lack of research into the topic, research showing that the re-offence rate for registered offenders as a group is somewhere around 5% (<http://www.bjs.gov/content/pub/pdf/rsorp94.pdf>, p.24). Also compelling is the research showing that the longer one remains offense-free in the community, the less his risk with each passing year of ever re-offending (<https://www.publicsafety.gc.ca/cnt/rsracs/pblctns/sx-ffndr-rcdvsm/index-eng.aspx>).*

*The subject of sexual offending is a complex and highly emotional topic. Much that is "known" is based on myths and misinformation. It is urgent that those choosing to write on the topic stay away from speculation, emotionally charged language, and false statements. Only through facts can the actual truth be shown, and then it will be accurate that the truth is fair.*

UPDATE: It is buried--uh, printed--as a LTE [here](#), the 7th one down.



The Legal Corner

We are introducing a new section that solicits legal questions from our readers. Each month a question will be chosen and will be answered in the newsletter by a member of our Legal Project. Please send your legal questions to [newsletter1940-digest@yahoo.com](mailto:newsletter1940-digest@yahoo.com). Be sure that your question focuses on only one issue.

This month's question is one that was asked in a workshop at the conference; it is answered by the chair of the Scarlet Legal Action Project, Larry Neely.

**Question:**

Wouldn't it be better if they would just ban plea bargains and force everyone to go to trial, or would the whole damn system crash under the weight of too many cases?

**Answer:**

Great question and frequently asked. No, banning negotiated pleas would not be good for those accused of crimes for a number of reasons. First, the overwhelming majority of those accused of a crime are in fact guilty of some criminal behavior, but it is far less clear what the actual criminal culpability of the accused is until the case is fully dissected and it is determined which counts cannot be supported by the evidence. This point in and of itself means that those who believe

that negotiated pleas are so terrible do not understand the: (1) benefit negotiated pleas have for those guilty of crimes; and (2) unimaginable consequences that would ensue when judges imposed sentence if there were no limitations provided by a plea agreement between those guilty of criminal conduct and the prosecution.

Negotiated pleas have always been around and are not going away. In fact, roughly the same percentage of cases is resolved by negotiation now as back in the 60s and 70s. Negotiated pleas benefit both the prosecution and defendant in that they provide certainty in terms of the outcome. Prosecutors frequently do file multiple counts, some of which are weak at best; however, the defendant cannot be assured that he/she will not be convicted of those weak counts. A negotiated plea often involves dismissal of some counts and a limitation in terms of the total prison exposure the defendant faces. In addition, in many states the plea agreement often stipulates that the person will receive a probated sentence. The most critical point is that without negotiated pleas, there would be no limitation on judges in terms of what sentence could be imposed upon a jury verdict other than the statutory maximum for each offense. This would not be good for those convicted of criminal conduct, especially in states where the maximum penalties are quite severe.



### **This and That**

We are at NACDL! As we are going to press, RSOL is being represented at the National Association of Criminal Defense Lawyers conference by our own Larry Neely, who is there for several days. Larry is attending as a full participant and has been networking with attorneys from around the country and introducing RSOL'S message. Our hope is to start getting RSOL'S name out there among this large group and eventually gather more support for wide-impact litigation such as what we have done in Maryland and California. We are extremely grateful for all the generous monetary donations and support that have made this trip and our upcoming presence at the National Conference of State Legislatures a reality. Thank you, thank you!

[This wonderful piece](#) came out in the *Yale Law Journal*, Volume 123, Number 5. Authored by Erin Miller and titled "Let the Burden Fit the Crime: Extending Proportionality Review to Sex Offenders," it is a must-read for all advocates.

Making the leap from a law journal to a column that offers advice on "manners and morals," [this Dear Prudence column](#) gives a surprisingly refreshing and fact-based answer to a sex offender question.

[This situation in Virginia](#) created a great deal of consternation among our community. In short, in order to prove their arrested, 17-year-old high school student was guilty of sexting, they proposed, in a hospital setting, to medically force him to have an erection in order to photograph it for "comparison" purposes. The public outcry was great, including a [blog entry](#) at *With Justice for All*. In the face of the indignation, the Manassas City, Virginia, police department backed off of

their intended attempts at creating their own pornography, but at last notice, they intend to proceed with their case against the young man for exchanging, in private texts to his 15-year-old girlfriend and to no one else, sexual images of himself.

Steve Yoder has authored another [great piece published here](#) in *The Crime Report*. Extremely well researched and documented, it exposes the folly of residency restrictions imposed on registered citizens.

[A legal victory has been won in Texas](#); a registrant has been granted the right to sue the city of Lewisville on the grounds that their sex offender residency ordinance is unconstitutional. An earlier court ruling was that the registrant did not have the standing to bring the suit, but that was overturned by a higher court, so the suit proceeds.



## From Our States and Committees



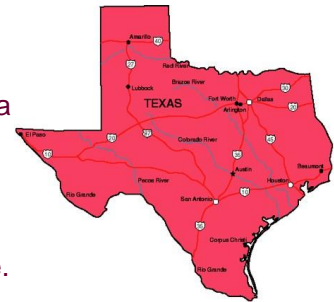


**Indiana** is continuing to work with legislators in an effort to reform laws. We are gearing up for the next session and are looking for representatives to take our voices to the State House. One of the reforms we are asking representatives to look at is Indiana Code § 36-2-13-5.5, Indiana sheriffs' sex and violent offender registry, specifically, sections (a) and (b). We are asking legislators to revise the registry to be in the control of law enforcement only with no public websites to be accessed by individuals who could pose threats to our loved ones.



In **Connecticut**, it is election time and we will be paying close attention to our candidates. This could be a pivotal year in many ways considering the political climate in this state.

**Texas** members are now doing our best to gear up for the 84th legislative session. Although the start of the session is a few months away, there is much work to be done in preparation. We hope to have a couple of bills filed again this time around and we are certainly expecting to see many bad bills that will need our attention and opposition.



Our members really enjoyed attending the National RSOL Conference. It was awesome to hear such educated and informative speakers and to connect with so many others who share the same passion for justice.

Onward we go.....

The **Florida** Action Committee had a board member who participated in the RSOL conference and returned energized with renewed enthusiasm. Our representative presented an excellent overview for the board to use in addressing priorities for our work.

FAC president Gail Colletta is a regular participant on the SEX OFFENDER TASK FORCE in Palm Beach County Florida. Gail presented a new plan for public safety and sex offender management in Florida. This plan is focused on prevention and safe reentry of former offenders to the community and restoration of families. This strategy is gaining support with legislators and other stakeholders.



The task force supports the roll back of county residency restrictions and has been working towards this end. On July 22nd a significant first step was taken when Palm Beach County commissioners voted to roll back the residency restrictions from 2500 feet to align with state statute to 1000 ft. This is a huge step in Florida, and we are hopeful this will be the first in many!

President Colletta and other FAC board members visited an area in Miami -Dade to provide some food to a number of homeless registrants unfortunately living by the railroad tracks. Miami - Dade still has a 2500 foot residency restriction, which has caused the considerable homelessness.

We continue to prepare for next legislative session and push for change based on empirically based policies.





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